

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Shayville Dinkins

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

Detective Albert Brust Shield # 1001

Detective Anthony Barber Shield # 604

SAC Richa Erickson

NYPD / 88<sup>th</sup> Precinct

RECEIVED  
SDNY PRO SE OFFICE  
2015 NOV 10 AM 10:02

**COMPLAINT**

under the

Civil Rights Act, 42 U.S.C. § 1983  
(Prisoner Complaint)

Jury Trial:  Yes  No  
(check one)

15CV 8847

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Shayville Dinkins  
ID # 14-A-5546  
Current Institution Upstate Correctional Facility  
Address 309 Bare Hill Road, P.O. Box 2001  
Malone, N.Y. 12953

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1	Name <u>Albert Brust</u>	Shield # <u>2001</u>
	Where Currently Employed <u>NYPD Precient #88</u>	
	Address <u>298 Classon Avenue</u>	
	<u>Brooklyn, N.Y. 11205</u>	
Defendant No. 2	Name <u>Anthony Barber</u>	Shield # <u>64</u>
	Where Currently Employed <u>NYPD Precient #88</u>	
	Address <u>298 Classon Avenue</u>	
	<u>Brooklyn, N.Y. 11205</u>	
Defendant No. 3	Name <u>Ricardo Erickson</u>	Shield # <u>N/A</u>
	Where Currently Employed <u>298 Classon Avenue</u> <sup>SD</sup> <u>NYPD Precient #88</u>	
	Address <u>298 Classon Avenue</u>	
	<u>Brooklyn, N.Y. 11205</u>	
Defendant No. 4	Name <u>NYPD Headquarters</u>	Shield # <u>N/A</u>
	Where Currently Employed <u>NYPD</u>	
	Address <u>1 police plaza</u>	
	<u>New York, New York</u>	
Defendant No. 5	Name <u>88<sup>th</sup> Precient</u>	Shield # <u>N/A</u>
	Where Currently Employed <u>NYPD Precient #88</u>	
	Address <u>298 Classon Avenue</u>	
	<u>Brooklyn, N.Y. 11205</u>	

## II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. In what institution did the events giving rise to your claim(s) occur? NYPD Precient #88
- 
- B. Where in the institution did the events giving rise to your claim(s) occur? SD  
Outside of the interrogation room.
- 
- C. What date and approximate time did the events giving rise to your claim(s) occur? 5-29-14  
at approx 7:30 pm
-

D. Facts: On 5-29-14, Detectives, Albert Brust and Anthony Barbice had me outside of the interrogation room at a desk looking at a video that was placed on "Facebook" of the "Assault", I was being charged with. I identified myself in the video as ~~was~~ just watching a "Girl Fight".

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

Both Detectives told me even tho I didn't do anything that I was still being charged with the crime because, no one else was arrested for it, later on down the line I was placed in an illegal line-up. (The line-up was unduly, because none of the "fillers" ~~did~~ resemble me, not even a little bit.)

The "SDS" Richa Erickson was not present, but was involved because he/she, gave the Detectives the "OK" to charge me, and put me through the system for the assault. The case was later dismissed, on or about 11-25-14.

In result to this matter, it is "False Arrest, unlawful imprisonment, Malicious Prosecution, Malicious Abuse of process, and intentional infliction of emotional distress. I

### III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. I sustained Cruel and Inhumane Treatment, and Mental / Emotional Distress. In result of above matter, I was also placed on physical meds for "Sleep" and "Depression".

### IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes  No  Precent

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

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B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes \_\_\_\_\_ No  Do Not Know \_\_\_\_\_

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes \_\_\_\_\_ No  Do Not Know \_\_\_\_\_

If YES, which claim(s)? \_\_\_\_\_

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes \_\_\_\_\_ No

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes \_\_\_\_\_ No

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

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1. Which claim(s) in this complaint did you grieve? \_\_\_\_\_

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2. What was the result, if any? \_\_\_\_\_

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3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. \_\_\_\_\_

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F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: Because I was in the precent

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2. If you did not file a grievance but informed any officials of your claim, state who you informed, when and how, and their response, if any: I informed my Attorney before arraignment in Kings County Criminal Court.

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). 500,000.00

## VI. Previous lawsuits:

On  
these  
claims

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes  No

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff \_\_\_\_\_

Defendants \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county) \_\_\_\_\_

3. Docket or Index number \_\_\_\_\_

4. Name of Judge assigned to your case \_\_\_\_\_

5. Approximate date of filing lawsuit \_\_\_\_\_

6. Is the case still pending? Yes  No

If NO, give the approximate date of disposition \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?)  
\_\_\_\_\_

On  
other  
claims

- C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes  No

- D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff Shagelie Dinkins

Defendants C. Munoz Serial # 108164

2. Court (if federal court, name the district; if state court, name the county) New York  
County, United States District Court Southern District of New York

3. Docket or Index number 15-cv-3218

4. Name of Judge assigned to your case Gregory H. Woods

5. Approximate date of filing lawsuit Apr 9, 2014

6. Is the case still pending? Yes  No

If NO, give the approximate date of disposition 9-27-15

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) Settled outside of court

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 4 day of November, 2015.

Signature of Plaintiff Shagville Dinkins  
Inmate Number 14-A-5546  
Institution Address Upstate Correctional Facility  
309 Bare Hill Road  
P.O. Box 8001  
Malone, New York, 12953

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 4 day of November, 2015, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff: Shagville Dinkins